

REMARKS

Claims 1-21 are pending. Claims 13-16 have been allowed. Claims 1-12, 17-19, and 21 have been rejected. Claim 20 has been objected to.

Responsive to the Examiner's rejection under 35 U.S.C. §112, paragraph 2, of Claims 1-12, Claims 1-12 have been amended to positively recite a pump housing.

The Examiner rejected Claims 1, 7, and 17-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,487,856 to Ohashi et al. (hereinafter "Ohashi et al. '856"). The Examiner rejected Claims 1, 7, and 17-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,473,964 to Okada et al. (hereinafter "Okada et al. '964") and by U.S. Patent No. 4,962,675 to Aoi et al. (hereinafter "Aoi et al. '675").

Ohashi et al. '856 discloses endcaps 130a, 130b for a tandem pump unit. Referring to Figures 7 and 8, endcaps 130a, 130b each include a set of system passages 131a, 131b, connected to first and second pumps 110a, 110b, respectively. System passages 131a, 131b each lead to one exterior system port 132a, 132b per system passage. The opposite end of each system passage is closed by check valve 161, which is used to allow operating fluid to bypass the hydraulic pump.

Aoi et al. '675 discloses, referring to Figure 8, an endcap for a hydrostatic transmission. The endcap includes system passages 101, 102 directly connecting pump 86 and cylinder block 94 of a hydrostatic motor. Additionally, system passages 101, 102 are closed by plugs 103. As shown in Fig. 8, during operation of the transmission of Aoi et al. '675, operating fluid is circulated from pump 86 via port 104 and system passage 101 to port 106 of cylinder block 94 of the hydrostatic motor. The fluid travels through cylinder block 94 of the hydrostatic motor and is circulated via port 107, passage 102, and port 105 back to pump 86.

Applicants respectfully submit that amended independent Claims 1, 7, and 17, are not anticipated by Ohashi et al. '956 or Aoi et al. '675, as both Ohashi et al. '856 and Aoi et al. '675 fail to disclose each and every limitation called for in amended independent Claims 1, 7, and 17.

Specifically, amended independent Claim 1 calls for, *inter alia*, a stand-alone hydraulic pump including a pump housing, an endcap removeably connected to the pump housing, the endcap including a pair of system passages formed in the endcap, each system passage fluidly connected to a pair of system ports formed in the exterior of the endcap, each of the system ports accessible from an exterior of the pump housing and configured to convey operating fluid between the stand-alone hydrostatic pump and a separate hydrostatic motor. Similarly, amended independent Claim 7 calls for a stand-alone hydrostatic pump including, *inter alia*, a pump

housing, and an endcap connected to the pump housing, the endcap including system passage means for providing a pair of fluid accesses *configured to convey operating fluid between the stand-alone hydrostatic pump and a separate hydrostatic motor* from a pair of system passage sides of the endcap, the system passage sides of the endcap accessible from an exterior of the pump housing. Finally, amended independent Claim 17 calls for a stand-alone hydrostatic pump assembly including, *inter alia*, a casing, a pumping mechanism, the casing enclosing a pump mechanism, the casing comprising a housing and an endcap attached to the housing, the endcap having a first system fluid passage having a pair of system ports located opposite each other and the endcap lateral exterior surface *configured to convey operating fluid between the stand-alone hydrostatic pump and a separate hydrostatic motor* and a second system fluid passage having a pair of system ports located opposite each other in the endcap lateral exterior surface *configured to convey fluid between a stand-alone hydrostatic pump and a separate hydrostatic motor*.

Contrary to the claimed arrangement, Ohashi et al. '856 discloses pairs of system passages 131a, 131b, each of which terminate in a single system port. The opposite ends of system passages 131a, 131b are closed by check valves 161. The ends of system passages 131a, 131b in which check valves 161 are positioned cannot be system ports as required by amended independent Claims 1, 7, and 17, as each claim requires that the system ports or system passages are *configured to convey operating fluid between the stand-alone hydrostatic pump and a separate hydrostatic motor*. Nowhere does Ohashi et al. '856 disclose or suggest that check valves 161 may be removed and the openings in which they are secured used as system ports. Instead, Ohashi et al. '856 indicates that check valves 161 are necessary to allow operating fluid forced from the motor into the endcap during manual movement of the vehicle to bypass the hydraulic pump. Moreover, were check valves 161 removed, the ports in which they reside cannot function as system ports because bypass passage 133a, shown in Fig. 7, would allow fluid pumped from the hydrostatic motor to bypass the motor and immediately return to the pump, i.e., the system would be short-circuited, causing the tandem pump of Ohashi et al. '856 to fail to function for its intended purpose.

Similarly, contrary to the claimed arrangement of the current application, Aoi et al. '675 discloses a pair of system passages 101, 102, neither of which include a pair of systems ports configured to convey operating fluid between a stand-alone hydrostatic pump and a separate hydrostatic motor. Were plugs 103 of the transmission disclosed by Aoi et al. '675 removed, the ends of system passages 101, 102 closed by plugs 103 are still not configured to convey operating fluid between a stand-alone hydrostatic pump and a separate hydrostatic motor as

required by amended independent Claims 1, 7, and 17. In fact, were plugs 103 of Aoi et al. '675 removed, the transmission of Aoi et al. '675 would become depressurized, rendering the transmission inoperable.

Even assuming, *arguendo*, that the endcap of Aoi et al. '675 could function in the manner suggested by the Examiner, Aoi et al. '675 fails to disclose system ports or system passages configured to convey operating fluid between *a stand-alone hydrostatic pump and a separate hydrostatic motor* as required by amended independent Claims 1, 7, and 17. Specifically, system passages 101, 102 of Aoi et al. '675 convey fluid within a transmission, not from a stand-alone hydrostatic pump to a separate hydrostatic motor. Aoi et al. '675 does not disclose the use of the endcap of Fig. 8 with a stand-alone hydrostatic pump, nor does Aoi et al. '675 disclose system ports configured to convey operating fluid between a stand-alone hydrostatic pump and a separate hydrostatic motor.

For the foregoing reasons, Applicants respectfully submit that amended independent Claims 1, 7, and 17, as well as Claims 2-6, 7-12, and 18-21 which depend therefrom, respectively, are not anticipated by Ohashi et al. '856 or Aoi et al. '675.

Okada et al. '964 discloses a transaxle having hydrostatic pump P and motor M connected to an axle driving apparatus. Referring to Figs. 2 and 3, Okada et al. '964 discloses endcap 3 having two system passages 3a, 3b that are directly connected to hydrostatic pump P and motor M. Additionally, endcap 3, pump P, and motor M are entirely contained within the transaxle housing. Specifically, as shown in Fig. 11, the transaxle housing includes upper casing half 1 and lower casing half 2 joined along junction surface 2z. Referring to Fig. 11, cylinder block 10 and swash plate 9 of pump P are clearly housed within upper and lower casing halves 1, 2.

Applicants respectfully submit that amended independent Claims 1, 7, and 17, are not anticipated by Okada et al. '964, as Okada et al. '964 fails to disclose each and every limitation called for in amended independent Claims 1, 7, and 17.

Specifically, amended independent Claims 1 and 7 each call for a stand-alone hydrostatic pump including, *inter alia*, a pump housing, an endcap connected to the pump housing, and system ports or system passages, respectively, *accessible from an exterior of the pump housing*. Amended independent Claim 17 calls for a stand-alone hydrostatic pump assemble including, *inter alia*, a casing, a pumping mechanism, the casing enclosing the pumping mechanism, the casing comprising a housing and an endcap attached to the housing, the endcap having at least one lateral exterior surface, *the lateral exterior surface of the endcap accessible from an exterior of the casing*.

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In contrast to amended independent Claims 1, 7, and 17, no portion of the endcap of Okada et al. '964 is accessible from an exterior of the casing formed by upper and lower casing halves 1, 2. In fact, the gain access to any part of endcap 3 of Okada et al. '964, upper and lower casing halves 1, 2 must be disassembled and removed.

For the foregoing reasons, Applicants respectfully submit that amended independent Claims 1, 7, and 17, as well as Claims 2-6, 7-12, and 18-21 which depend therefrom, respectively, are not anticipated by Okada et al. '964.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATION UNDER 37 C.F.R. 1.8(B)

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on: October 27, 2006.

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Signature

October 27, 2006

Date